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8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12
13 ALEXANDRA HADDAD, individually and on
behalf of all others similarly situated.

14 Plaintiffs,

15 vs.

16 NETFLIX, INC., WAL-MART STORES, INC.,
17 WALMART.COM USA, LLC,

18 Defendants.
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Case No. C 09-00958 RMW

**NOTICE OF RELATED CASES
PURSUANT TO CIVIL L.R. 3-12 TO BE
FILED IN CASE NO. CV-09-0002 MEJ;
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD
BE RELATED, PURSUANT TO CIVIL L.R.
7-11**

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that, pursuant to Local Rule 3-12, Plaintiff Alexandra Haddad
3 submits this Administrative Motion for the Court to consider whether *Alexandra Haddad v. Netflix,*
4 *Inc., et al.*, Case No. 09-cv-00958 RMW, a putative class action lawsuit filed on March 5, 2009,
5 should be related to *Resnick, et al. v. Walmart.com USA LLC, et al.*, Case No. 09-cv-0002 filed on
6 January 2, 2009, the low numbered action also pending in this District. That action has been
7 assigned to the Honorable Phyllis J. Hamilton. In addition to the *Resnick* action, other related
8 actions pending in this District are:

- 9 • *O'Conner v. Walmart.com USA LLC et al.*, Case No. 09-cv-0-0096, filed January 9, 2009;
- 10 • *Endzweig v. Walmart.com USA LLC et al.*, Case No. 09-cv-00111, filed January 9, 2009;
- 11 • *Schmitz v. Walmart.com USA LLC, et al.*, Case No. 09-cv-00116, filed January 9, 2009;
- 12 • *Lynch, et al. v. Walmart.com USA LLC, et al.*, Case No. 09-cv-00138, filed January 12,
- 13 2009;
- 14 • *Groce, et al., Walmart.com USA LLC, et al.*, Case No. 09-cv-00139, filed January 12, 2009;
- 15 • *Sivek v. Walmart.com USA LLC, et al.* Case No., 09-cv-00156, filed January 13, 2009;
- 16 • *Faris v. Netflix, Inc., et al.*, Case No. 09-cv-00180, filed January 14, 2009;
- 17 • *Slobodin v. Netflix, Inc., et al.*, Case No. 09-cv-00225, filed January 16, 2009;
- 18 • *Anthony, et al., v. Walmart.com USA LLC, et al.*, Case No. 09-cv-00236, filed January 20,
- 19 2009;
- 20 • *Polk-Stamps v. Netflix, Inc., et al.*, Case No. 09-cv-00244, filed January 20, 2009;
- 21 • *Sheeler v. Walmart.com USA LLC, et al.*, Case No. 09-cv-00274, filed January 22, 2009;
- 22 • *Chapman v. Netflix, Inc., et al.*, Case No. 09-cv-00294, filed January 22, 2009;
- 23 • *Orozco v. Netflix, Inc., et al.*, Case No. 09-cv-00297, filed January 22, 2009;
- 24 • *Landels, et al., v. Netflix, Inc., et al.*, Case No. 09-cv-00340, filed January 26, 2009;
- 25 • *Grime v. Netflix, Inc., et al.*, Case No. 09-cv-00349, filed January 26, 2009;
- 26 • *Meyer v. Walmart.com USA LLC, et al.*, Case No. 09-cv-00361, filed January 26, 2009;
- 27 • *Randall v. Walmart.com USA LLC, et al.*, Case No. 09-cv-00368, filed January 27, 2009;
- 28 • *Miscioscia v. Netflix, Inc., et al.*, Case No. 09-cv-00377, filed January 27, 2009;

- 1 • *Hirsch v. Netflix, Inc., et al.*, Case No. 09-cv-00375, filed January 27, 2009;
- 2 • *Patras, et al. v. Netflix, Inc., et al.*, Case No. 09-cv-00378, filed January 27, 2009;
- 3 • *Chatelain v. Netflix, Inc., et al.*, Case No. 09-cv-00391, filed January 28, 2009;
- 4 • *Weiner v. Walmart.com USA LLC, et al.*, Case No. 09-cv-00398, filed January 28, 2009;
- 5 • *Millrood v. Walmart.com USA LLC, et al.*, Case No. 09-cv-00399, filed January 28, 2009;
- 6 • *Kober v. Walmart.com USA LLC, et al.*, Case No. 09-cv-00400, filed January 28, 2009;
- 7 • *LaCabe v. Walmart.com USA LLC, et al.*, Case No. 09-cv-00402, filed January 28, 2009;
- 8 • *Roy v. Netflix, Inc., et al.*, Case No. 09-cv-00434, filed January 29, 2009;
- 9 • *Bruno, et al. v. Walmart.com USA LLC, et al.*, Case No. 09-cv-00445, filed January 30,
- 10 2009;
- 11 • *Zaker v. Netflix, Inc., et al.*, Case No. 09-cv-00447, filed January 30, 2009;
- 12 • *Parikh v. Netflix, Inc., et al.*, Case No. 09-cv-00496, filed February 3, 2009;
- 13 • *Johnson v. Walmart.com USA LLC, et al.*, Case No. 09-cv-00553, filed February 6, 2009;
- 14 • *Gannon v. Walmart.com USA LLC, et al.*, Case No. 09-cv-00554, filed February 6, 2009;
- 15 and
- 16 • *Williams v. Netflix, Inc., et al.*, Case No. 09-cv-00678, filed February 17, 2009.

17 The *O'Connor, Endzweig, Schmitz, Lynch, and Groce* actions were ordered related to the
18 *Resnick* action on January 16, 2009. The *Sivek, Faris, and Anthony* actions were ordered related to
19 the *Resnick* action on January 26, 2009. The *Slobodin, Polk-Stamps, Chapman, and Orozco* actions
20 were ordered related to the *Resnick* action on January 29, 2009. The *Sheeler, Landels, Grime, Meyer,*
21 *Randall, Miscioscia, Hirsch* and *Chatelain* actions were ordered related to the *Resnick* action on
22 February 2, 2009. The *Patras, Weiner, Millrood, Kober, LaCabe, Roy, Bruno, Zaker, Parikh,*
23 *Johnson* and *Gannon* actions were ordered related to the *Resnick* action on February 9, 2009. The
24 *Williams* action was related to the *Resnick* action on February 25, 2009. All of these related cases
25 have been assigned to Honorable Phyllis J. Hamilton. This action (*Haddad*) has not been related to
26 the *Resnick* action as of the filing of this administrative motion.

27 All of these actions involve substantially the same transactions, events, questions of law, and
28 allege essentially the same violations of federal antitrust law against substantially the same

1 Defendants. These actions allege that Defendants conspired to allocate the market of DVD rentals,
2 agreed not to compete in that market, and that Netflix monopolized or attempted to monopolize the
3 DVD rental market. These actions are alleged to have harmed consumers who were Netflix
4 subscribers by causing them to pay more for their subscriptions than they would have paid absent
5 Defendants' illegal market allocation agreement. It appears likely that there will be an unduly
6 burdensome duplication of labor and expenses and potentially conflicting results if the cases are
7 heard by different judges.

8 Given the similarities of these actions, assignment of the *Haddad* case to a single Federal
9 District Court Judge will conserve judicial resources and promote efficient determination of the
10 actions while avoiding potentially conflicting results. All of the related cases pending in this District
11 are at a preliminary stage and, thus, assignment to a single judge would not prejudice any of the
12 parties. Because Judge Hamilton is familiar with the facts, the parties, and the claims, it would be an
13 unduly burdensome duplication of labor and expense if the cases are conducted before different
14 judges. Accordingly, plaintiff Alexandra Haddad respectfully request that the action entitled
15 *Alexandra Haddad v. Netflix, Inc., et al.* be deemed related to *Andrea Resnick, et al. v. Walmart.com*
16 *USA LLC, et al.*, the first filed case in this District, which is presently assigned to the Honorable
17 Phyllis J. Hamilton.

18 DATED: March 17, 2009

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